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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,015	03/24/2004	Dan Scott Johnson	200207102-1	5688
22879 7590 08/24/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER GRAHAM, PAUL J	
			ART UNIT 2623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,015

Applicant(s)

JOHNSON, DAN SCOTT

Examiner

Paul J. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/2/2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

1. Applicant argues: The specification was objected to for informalities. The Examiner suggested that Applicant provides the serial numbers of all co-pending applications mentioned on page 1 of the specification. Applicant has so amended the indicated portion of the specification to include such serial numbers. The Examiner also objected to the title of the Application as not descriptive. Applicant respectfully disagrees. The claims of the present Application are directed toward a system and method for accessing, transmitting and receiving audio/video (AV) program data using various components (e.g., a source component, a sink component, a presentation device, etc.). Therefore, Applicant respectfully submits that the title "Audio/Video Component Networking System and Method" is descriptive of the subject matter of the present Application. Accordingly, Applicant respectfully requests that the specification objections be withdrawn.

The Examiner thanks the applicant for supplying the requested serial numbers. The Examiner respectfully disagrees with the Applicant's assessment of the title. If the title is to stand as is, how is the inventive concept of the instant application distinguishable from those of: 10/808037, 10/808012, 10/808036 and 10808136 also entitled "Audio/Video Component Networking system and method"? As a result, Applicant's arguments are not persuasive.

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2. Applicant argues: Claims 1-27 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2002/0056118 issued to Hunter (hereinafter "Hunter"). Applicant respectfully traverses this rejection.
- Of the rejected claims, Claims 1, 13 and 23 are independent. Applicant respectfully submits that Hunter does not disclose or even suggest each and every limitation of independent Claims 1, 13 and 23. For example, in the Office Action, the Examiner appears to consider reference number 230 of Hunter as corresponding to the "centralized storage system adapted to communicatively receive a plurality of source components" recited by Claim 1 (Office Action, page 2). Applicant respectfully disagrees.

The Examiner respectfully disagrees with the Applicant. According to Hunter, a plurality of source components, including a DVD drive, CD player and an audio system may be received by the central storage system (the storage module of user station)(see Hunter, [0124-0125]). The storage is a centralized system as noted by the "traffic through the storage module" (see Hunter, [0145]).

3. Applicant argues: Hunter appears to disclose a video and music distribution system where audio and video content is delivered by blanket transmission to households utilizing a direct broadcast satellite transmission and corresponding receiving antenna dishes 24. (Hunter, paragraph [0051], figure 1). Hunter also appears to disclose that consumer user stations 228 receive the downlink transmissions of audio and video content via the home user's satellite dish 24. (Hunter, paragraph [0128], figure 11).

Hunter also appears to indicate that the audio and video content is received by a download module 220 of the user station 228 where it is stored digitally in a storage module 230, which Hunter describes as "a large hard disk drive having a storage capacity of 20 gigabytes, or more." (Hunter, paragraph [0128], figure 11). Thus, Applicant respectfully submits that Hunter does not disclose or even suggest, neither as the storage module 230 of Hunter referred to by the Examiner nor any other component of the Hunter system, a "centralized storage system adapted to communicatively receive a plurality of source components" as recited by Claim 1. Therefore, for at least this reason, Applicant respectfully submits that Hunter does not anticipate Claim 1.

Further, Claim 1 recites a "sink component adapted to enable a user to select an A/V menu data stream associated with at least one of the plurality of source components for display on the presentation device." (emphasis added). In the Office Action, the Examiner appears to refer to either reference number 228 or 610 of Hunter as corresponding to the "sink component" recited by Claim 1. (Office Action, page 3). Applicant respectfully disagrees. In the Office Action, the Examiner refers to the storage module 230 (which is part of the user station 228) of Hunter as the "centralized storage system" recited by Claim 1. (Office Action, pages 2 and 3). Therefore, the user station 228/storage module 230 of Hunter cannot be construed to be both the "centralized storage system" and the "sink component" recited by Claim 1 as this would be an improper claim construction.

The Examiner respectfully disagrees with the Applicant. According to Hunter, A/V content may be delivered to the *household* and that reads on the applicant's spec

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“system 10 provides ... for a *household* ...” (see applicant’s spec [0018]). According to Hunter (see Hunter [0051]) satellite transmission may be used and that reads on the applicant’s spec “... a *satellite* tuner ...” (therefore, satellite transmission would be possible, see applicant’s spec [0020]). The user station contains components that fulfill the sink functions (as listed in Applicant’s spec, see [0021], the CPU communicates with at least one source component, it identifies and obtains program data, it delivers the data, and it controls the menu functions (see Hunter, Fig. 4 and [0063-0071]). The user station also contains components that fulfill the source functions (read DVD playback), and Applicant’s spec notes that both the sink and source may be configured as part of a presentation device, where the presentation device would represent both a sink and source (see Applicant’s spec, [0020]). The user station (228) is communicatively coupled to components such as the storage module (230) which has the function of storage (see Hunter, Fig. 11). As a result, Applicant’s arguments are not persuasive.

4. Applicant argues: Nonetheless, neither the user station 228 nor the "companion' set-top box 610" of Hunter is adapted to "transmit a command to the source component to control display of an A/V menu data stream on the presentation device" as recited by Claim 1. (emphasis added). For example, the user station 228 of Hunter appears to contain a viewer interface/interactive program guide that enables a user to determine what movies have been recorded onto the user station 228 and/or what movies may be available to view. (Hunter, paragraphs [0074]-[0076]). However, the user station 228 of Hunter does not appear to provide any "A/V menu data stream" as recited by Claim 1

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(e.g., "a continuous or periodic data flow, predetermined or otherwise, such that the AN menu data flow may comprise a series of content-filled frames, periodic content-filled frames interlaced with null bit frames and/or a non-constant frame rate flow where a new data frame is sent in response to a change or update to the data, thereby enabling automatic updating of A/V menu data provided to the user via sink component 12" (Applicant's specification, paragraph [0021])). (emphasis added). Further, the companion box 610 of Hunter appears to receive content from either the user station 228 or directly from a satellite dish and is configured to display menus and choices to a customer to facilitate selection of material to be recorded or displayed. (Hunter, paragraphs [0150] and [0151]). However, the companion box 610 of Hunter does not appear to provide any "A/V menu data stream" as recited by Claim 1. (emphasis added). Therefore, Applicant respectfully submits that for at least this reason also, Hunter does not anticipate Claim 1.

The Examiner respectfully disagrees with the Applicant. According to Hunter, the encoded programming data, which includes A/V content and scheduling data is written to the DVD ram drive, 86 (see Hunter, [0065], therefore the menu data is retrieved from 86 and in a digital bit-stream format). Also, according to Hunter, the companion set-top box, 610, does generate a menu (as a digital stream, i.e., an A/V menu stream) (see Hunter, [0151-0152]). As for "a continuous or periodic data flow, ..." this is not claimed. As a result, Applicant's arguments are not persuasive.

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5. Applicant argues: Independent Claim 13 recites "accessing, via a sink component, a centralized storage system having a plurality of source components" and "receiving, via the sink component, a user selection of at least one of the plurality of source components for displaying an A/V menu data stream associated with the selected source component on the presentation device." (emphasis added). Independent Claim 23 recites "means for accessing, via a sink component, a centralized storage system adapted to communicatively receive a plurality of source components," and "means, via the sink component, for receiving a user selection of at least one of the plurality of source components for displaying an A/V menu data stream associated with the selected source component." (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that Hunter also does not anticipate Claims 13 and 23.

The Examiner respectfully disagrees with the Applicant. As for claim 13, according to Hunter, a centralized storage system may have a plurality of source components (as shown above for claim 1). For the same reasons as in rebuttal for claim 1, claims 13 and 23 stand rejected. As a result, Applicant's arguments are not persuasive.

6. Applicant argues: Claims 2-12, 14-22 and 24-27 that depend respectively from independent Claims 1, 13 and 23 are also not anticipated by Hunter at least because they incorporate the limitations of respective Claims 1, 13 and 23 and also add additional elements that further distinguish Hunter. Therefore, Applicant respectfully requests that the rejection of Claims 1-27 be withdrawn.

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The Examiner respectfully disagrees with the Applicant. As for claims 2-12 and 14-22 and 24-27 that depend respectively from independent Claims 1, 13 and 23, they stand rejected as does claim 1 for similar reasoning. As a result, Applicant's arguments are not persuasive.

Information Disclosure Statement

7. The references listed on the Information Disclosure statement filed 9/26/2005 have been considered by examiner (see attached PTO-1449).

Specification

8. The disclosure is objected to because of the following informalities: In the "related applications" section there are neither dates nor serial numbers for the related documents listed.

Appropriate correction is required.

9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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11. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunter (US 20020056118).

As to claim 1, Hunter discloses an audio/video (A/V) component networking system (10), comprising: a centralized storage system (230) adapted to communicatively receive a plurality of source components (230, a DVD for example), each source component adapted to provide A/V program data (see [0124] plurality of source components); and a sink component communicatively disposed between the storage system and a presentation device (see [0079] and Fig. 11, the user station (228), sink, is disposed between the storage (230) and presentation devices (32)),

the sink component (228 or 610) adapted to receive A/V program data (235) from at least one of the plurality of source components and transmit the A/V program data to the presentation device (32), the sink component adapted to enable a user to select an A/V menu data stream (100) associated with at least one of the plurality of source components for display on the presentation device (see [0012] A/V component system; see [0013] central storage; see [0065] and [0124] plurality of source components; see [0071] a sink component can also be a central server; see Fig. 11, element 235 notes both audio (music) and video (TV based content, which is A/V); see [0151] TV as presentation device and menu data displayed).

As to claim 13, Hunter discloses an audio/video (A/V) networking method (Fig. 11, 210), comprising: accessing, via a sink component (228), a centralized storage system (230) having a plurality of source components, each source component adapted to provide A/V

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program data (see [0128] a DVD player as well as a HDD to store then replay a movie may be provided);

transmitting, via the sink component (228), A/V program data from at least one of the source components to a presentation device; and receiving, via the sink component, a user selection of at least one of the plurality of source components for displaying an A/V menu data stream associated with the selected source component on the presentation device (see [0138] for access, [0128] for reception and transmission).

As to claim 23, claim 23 is similar to claim 13 except that claim 23 represents an apparatus and claim 13 is a method; hence, claim 23 is analyzed the same as claim 13 (see above)(see [0138] for access, [0128] for reception and transmission).

As to claim 2, Hunter discloses the system of claim 1, wherein the sink component is adapted to decode (82) the A/V program data (see [0065] decoder is part of user station).

As to claim 3, Hunter discloses the system of claim 1, wherein the sink component is adapted to transmit the A/V program data to the presentation device in real-time (see [0162] proprietary real-time decoding may occur for playback rather than storage).

As to claim 4, Hunter discloses the system of claim 1, wherein at least one of the source components is selected from the group consisting of a satellite receiver source component (600), a digital versatile disk (DVD) source component (46), a compact disc (CD) source component (28), a computer (36), and a cable source component (600) (see [0128], [0065], [0126], [0151-0152]).

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As to claim 5, Hunter discloses the system of claim 1, wherein the sink component is adapted to perform a registration operation to register the storage system with the sink component (see [0154] the stored media is registered for presentation, for billing purposes).

As to claim 6, Hunter discloses the system of claim 1, wherein the sink component (610) is adapted to perform a registration operation to register at least one available type of communication network for communicating with the storage system (36) (see [0156] the communication network will be registered or defined and accepted as the network to access storage to a central controller, which will store user information).

As to claim 7, Hunter discloses the system of claim 1, wherein the sink component is adapted to perform a registration operation to register a format of the A/V program data available from each of the plurality of source components (see [0163-0165], the sink registers the format of a CD or another type of storage media for playback).

As to claim 8, Hunter discloses the system of claim 1, wherein the sink component is adapted to present to the user an aggregated listing (110) of the A/V program data available from each of the plurality of source components (see [0075] an aggregate listing is presented in an interactive program guide).

As to claim 9, Hunter discloses the system of claim 1, wherein the sink component is adapted to present to the user a filtered aggregated listing of the A/V program data available from each of the plurality of source components based on a format of the A/V

program data available from each of the plurality of source components (see [0107-0111], each tier may represent a different format of program data).

As to claim 10, Hunter discloses the system of claim 1, wherein the sink component is adapted to present to the user a filtered aggregated listing of the A/V program data available from each of the plurality of source components based on a type of the presentation device (see [0118] a different presentation device, such as a DVD or live sports event may be represented by different tiers).

As to claim 11, Hunter discloses the system of claim 1, wherein the sink component is adapted to perform a registration operation to register the presentation device with the sink component (see [0142] through communication with the on-screen GUI (of the presentation device) the user station, sink, realizes information about the user preferences for display on the presentation device, hence registers the device).

As to claim 12, Hunter discloses the system of claim 1, wherein at least two of the plurality of source components comprise the same type of source component (see [0160] multiple CD or DVD players may be included in the network, including the one at the set-top box).

As to claim 14, claim 14 is similar to claim 5; therefore claim 14 is analyzed with respect to claim 13 and claim 5 (see above).

As to claim 15, Hunter discloses the method of claim 13, further comprising performing a registration operation to register each of the plurality of source components with the sink

component (see [0163-0165], the sink registers the CD or another type of media player for playback).

As to claim 16, claim 16 is similar to claim 7; therefore claim 16 is analyzed with respect to claim 13 and claim 7 (see above).

As to claim 17, claim 17 is similar to claim 2; therefore claim 17 is analyzed with respect to claim 13 and claim 2 (see above).

As to claim 18, claim 18 is similar to claim 6; therefore claim 18 is analyzed with respect to claim 13 and claim 6 (see above).

As to claim 19, Hunter discloses the method of claim 13, wherein accessing the centralized storage system comprises accessing at least one of a group consisting of a satellite receiver source component, a digital versatile disk (DVD) source component, a compact disc (CD) source component (28), a computer, and a cable source component residing on the centralized storage system (see [0138] for access).

As to claim 20, claim 20 is similar to claim 8; therefore claim 20 is analyzed with respect to claim 13 and claim 8 (see above).

As to claim 21, claim 21 is similar to claim 9; therefore claim 21 is analyzed with respect to claim 13 and claim 9 (see above).

As to claim 22, claim 22 is similar to claim 10; therefore claim 22 is analyzed with respect to claim 13 and claim 10 (see above).

As to claim 24, claim 24 is similar to claim 8; therefore claim 24 is analyzed with respect to claim 23 and claim 8 (see above).

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As to claim 25, claim 25 is similar to claim 2; therefore claim 25 is analyzed with respect to claim 23 and claim 2 (see above).

As to claim 26, claim 26 is similar to claim 5; therefore claim 26 is analyzed with respect to claim 23 and claim 5 (see above).

As to claim 27, Hunter discloses the system of claim 23, further comprising means for registering each of the plurality of source components residing on the centralized storage system with the sink component (see [0163-0165], the sink registers the CD or another type of media player for playback).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Graham whose telephone number is 571-270-1705. The examiner can normally be reached on Monday-Friday 8:00a-5:00p EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

pjg
8/16/2007



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